

REMARKS/ARGUMENTS

1. Claims 1-86 were subject to a restriction requirement. Applicant elected to prosecute claims 32-54 without traverse.

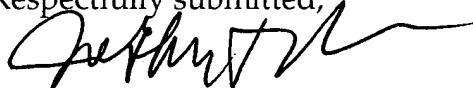
2. Claims 1-13, 16, 18, 27, and 29-31 have been amended so as to be directed to a fuel cell rather than a process for manufacturing a fuel cell and to depend directly or indirectly on elected claim 32. Claim 32 has been amended so as to relate the anode, the electrolyte, and the cathode. Claims 36 and 37 have been amended, and new claims 87-91 have been added, to address various aspects of the cathode described in the specification. The claim amendments and the new claims are fully supported by the specification and figures, and none of the claim amendments were made to avoid prior art or for other reasons of patentability. Claims 14, 15, 17, 19-26, and 28 have been canceled as being directed to non-elected subject matter. Claims 55-86 have been withdrawn from consideration as being directed to non-elected subject matter. Therefore, claims 1-13, 16, 18, 27, 29-54, and 87-91 are currently being prosecuted.

3. Claims 32-37 and 40-46 have been rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Ruka et al., U.S. Pat. No. 5,908,713 (hereinafter Ruka). As discussed by Ruka in the background section at col. 1, lines 25-44, the cathode of the solid oxide fuel cell (SOFC) is the "air" electrode, while the anode of the SOFC is the "fuel" electrode. At col. 6, lines 52-62, Ruka describes a cylindrical solid oxide fuel cell having a conventional tubular inner air electrode 2 (i.e., the cathode), a thin electrolyte layer 4, and a fuel electrode (i.e., the anode) comprising underlayer 6 and overlayer 8 that is formed on the electrolyte layer using a sintering process. Thus, Ruka appears to teach a cathode-supported SOFC in which a two-layer anode is added onto the electrolyte layer using a sintering technique.

As discussed in the present application at page 8, lines 24-25, cathode-supported SOFCs are typically expensive. Thus, the present invention of claims 32-54 relate to an anode-supported SOFC. Claim 32 specifically requires a tubular anode capable of supporting the fuel cell. Ruka clearly does not include such a tubular anode capable of supporting the fuel cell. Thus, Applicant respectfully submits that claim 32 is patentable over Ruka. As a dependent claim is deemed to include all limitations of its base claim and any intervening claims, Applicant respectfully submits that dependent claims 2-13, 16, 18, 27, 29-54, and 87-91 are likewise patentable over Ruka.

4. All pending claims are believed to be in a form suitable for allowance. Therefore, the application is believed to be in a condition for allowance. The Applicant respectfully requests early allowance of the application. The Applicant requests that the Examiner contact the undersigned, Jeffrey T. Klayman, if it will assist further examination of this application.

Respectfully submitted,



Jeffrey T. Klayman
Registration No. 39,250
Attorney for Applicants

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston MA 02110-1618
Tel: 617 443 9292 Fax: 617 443 0004

285218